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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

JORGE CARLOS,

Defendant and Appellant.

H043438

(Monterey County

Super. Ct. No. SS151073A)

Defendant Jorge Carlos was charged by information filed in August 2015, with possession of heroin in prison (Pen. Code, § 4573.6, subd. (a)).¹ The information further alleged that defendant had two prior felony convictions that qualified as strikes (§ 1170.12, subd. (c)(2)). A jury found defendant guilty and, following a court trial, the court found true the allegations regarding the prior convictions. The court sentenced defendant to 25 years to life years in prison. On appeal, defendant's appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

The Jury Trial

The court granted defendant's request for a bifurcated trial on the alleged prior convictions, and defendant waived jury trial on the alleged prior convictions. The following evidence was presented at the jury trial.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

On September 21, 2013, a correctional officer at Salinas Valley State Prison was monitoring the visiting room by using a closed-circuit television. A female visitor, who had bulges in her mouth, appeared to be concealing objects in her mouth. On the table in front of her, she had water and a bag cookies.

Defendant, an inmate, entered the visiting room and kissed the female. After the kiss, the female was laughing and did not appear to have any objects in her mouth.

Defendant, who appeared to have something in his mouth, immediately started drinking water. He seemed to have difficulty swallowing and got water on his shirt. Defendant grabbed the female visitor's cookie bag and placed objects from his mouth in the bag. He eventually put the bag up to his mouth and attempted to swallow objects from the bag.

The female was arrested and taken to another room to be searched. She had four bindles of heroin.

Defendant was also removed to another room and searched, but no contraband was found. Defendant was placed on a contraband watch. Defendant passed a bindle of heroin on September 22, 2013, and another bindle on September 25, 2013. Each bindle contained more than 2 grams of heroin.

The Verdict, the Findings on the Priors, and Sentencing

On April 5, 2016, the jury found defendant guilty of possession of a controlled substance in prison (§ 4573.6, subd. (a)). Following a court trial, the court found true the allegations that defendant had two prior felony convictions for murder and attempted murder that also constituted strikes (§ 1170.12, subd. (c)(2)). The court sentenced defendant to 25 years to life, the term to be served consecutive to the term he was already serving. Defendant was also ordered to pay various fines and fees.

This Appeal

Defendant filed a timely notice of appeal and we appointed counsel to represent him in this court. Appointed counsel has filed a brief in this court which states the case

and facts but which raises no issues. We notified defendant of his right to submit written argument in his own behalf within 30 days. That period has elapsed and we have received no response from defendant. Pursuant to *Wende, supra*, 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, we have reviewed the entire record and have concluded that there is no arguable issue on appeal.

DISPOSITION

The judgment is affirmed.

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

ELIA, ACTING P.J.

MIHARA, J.

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